

REMARKS

This application has been reviewed in light of the Office Action dated May 11, 2009. Claims 10-13 are presented for examination, of which Claims 10, 12 and 13 are in independent form and have been amended to define still more clearly what Applicant regards as his invention. Favorable reconsideration is respectfully requested.

In the outstanding Office Action, Claims 10-13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,414,525 (Ito) in view of U.S. Patent 6,134,017 (Schlank et al.) and U.S. Patent 6,082,847 (Nishinohara et al.).

Applicant submits that the independent claims, together with dependent Claim 11, are patentably distinct from the cited prior art for at least the following reasons.

As discussed in the Amendment of February 23, 2009, a user can often decide what to do with an image (file) transmitted over the network upon seeing just a portion of the image (para. [0002]). According to aspects of the present invention, instead of having to wait until the image is received in its entirety, the user is allowed to act on his decision immediately, such as printing out facsimile data corresponding to the portion of the image that has been received and viewed or deleting the image altogether, even before the image is received in its entirety (para. [0004] and [0018]).

Claim 10 recites, among other features, “a detector for detecting what command regarding facsimile data corresponding to the reduced-size image data has been entered during the display of the reduced-size image by said display; a printer for printing out facsimile data corresponding to the reduced-size image data displayed on said display, when the detected command is a print command, even during reception of facsimile data constituting an additional portion of the image by said receiver.”

The features quoted above are not believed to be disclosed or suggested in *Ito*, *Schlank*, and *Nishinohara*, considered separately or in any permissible combination.

While conceding that *Ito* does not disclose or suggest the detector of Claim 10, the Office Action states that *Schlank* does. Applicant respectfully disagrees. *Schlank* relates to a system which provides drivers for any Windows application to access a facsimile machine with a bidirectional parallel interface (*see* Abstract). It does not involve a user who, upon viewing a reduced version of a portion of an image, issues a command on how to process that portion while the rest of the image is still being transmitted and received.

As recited in Claim 10, the detector determines “what command regarding facsimile data corresponding to the reduced-size image data [corresponding to a portion of an image] has been entered during the display of the reduced-size image by said display [*even during reception of facsimile data constituting an additional portion of the image*].” The portion of *Schlank* cited in the Office Action as disclosing the detector, however, describes at most that a user may issue a print command when viewing a thumbnail of an image, but that would be the viewing and printing of the entire image *already received and stored in its entirety* (*see* col. 13, lines 61-62 and col. 14, lines 44-45, for example). It does not discuss the detection of a command from a user who is viewing a reduced-size version of a portion of an image as the rest of the image is still being transmitted and received. Apparently, then, the detector is missing from *Schlank*.

Nishinohara does not remedy the deficiency above. It relates to a combined image recording apparatus and facsimile apparatus which allows a switch between monochromatic and color recording heads and is capable of determining the type of the recording head currently in use (*see* col. 1, line 61 through col. 2, line 14). Similar to *Schlank*,

Nishinohara does not involve a user who, upon viewing a reduced version of a portion of an image, issues a command on how to process that portion while the rest of the image is still being transmitted and received.

The portion of *Nishinohara* cited in the Office Action describes merely that a document may be faxed to the *Nishinohara* system when the system operates on *another document* as a printer, and vice versa (*see* col. 11, lines 13-25). It does not involve "printing out facsimile data corresponding to the reduced-size image data [corresponding to a portion of an image] displayed on said display... even during reception of facsimile data constituting an additional portion of *the [same] image* by said receiver [emphasis added]," as recited in Claim 10. It certainly also does not concern the detection of a command from a user who is viewing the reduced-size version of a portion of an image as the rest of the image is still being transmitted and received. Therefore, then, the detector is also missing from *Nishinohara*.

Accordingly, for at least the reasons noted above, Claim 10 is believed patentable over *Ito*, *Schlank* and *Nishinohara*, considered separately or in any permissible combination.

Independent Claims 12 and 13 recite features similar to those discussed above with respect to Claim 10 and, therefore, are also believed to be patentable over *Ito*, *Schlank* and *Nishinohara* for the reasons discussed above.

A review of the other art of record has failed to reveal anything which, in Applicant's opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims. Therefore, the independent claims are believed to be allowable over the art of record.

The other claim in this application is dependent from Claim 10, and is therefore believed patentable for the same reasons. Since the dependent claim is also deemed to define an

additional aspect of the invention, however, the individual reconsideration of the patentability thereof on its own merits is respectfully requested.

This Amendment After Final Action is believed clearly to place this application in condition for allowance and its entry is therefore believed proper under 37 C.F.R. § 1.116. In any event, however, entry of this Amendment After Final Action, as an earnest effort to advance prosecution and reduce the number of issues, is respectfully requested. Should the Examiner believe that issues remain outstanding, he is respectfully requested to contact Applicant's undersigned attorney in an effort to resolve such issues and advance the case to issue.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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